

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
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NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **December 14, 2006**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **December 14, 2006**, following the Public Meeting
in the Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **December 14, 2006**, following the Public Hearing
in the Auditorium of the State Resources Building
1416 Ninth Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **December 14, 2006**.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
 Chapter 4, Subchapter 7, Article 59
 Section 4324
 Dust Collection Systems for Woodworking Machines and Equipment

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 59
Section 4324
Dust Collection Systems for Woodworking Machines and Equipment

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated in response to a request from the Division of Occupational Safety and Health (Division) dated December 3, 2004, to amend Title 8, General Industry Safety Orders (GISO), Section 4324 regarding dust collectors used in the woodworking industry. The newest edition of the National Fire Protection Association (NFPA) standard 664-2002, *Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities* has reversed the prohibition on indoor dust collection equipment found in the 1998 and older editions. The 2002 NFPA standard recognizes that small, inexpensive “enclosureless bag-type dust collectors” (EDC) have become commonplace in the past several years. The proper installation and safe use of these EDC’s benefits both the woodworking industry and their employees because they can be purchased by small and medium-sized woodworking operations that cannot afford a centralized cyclone or baghouse system. The proposed amendments to Section 4324 would incorporate requirements from NFPA 664-2002.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 4324. Exhaust Systems.

Section 4324 provides requirements for exhaust systems used for the removal of sawdust and chips produced by woodworking machines. The proposal would change the title of the section by replacing “Exhaust” with “Dust Collection.” This revision would eliminate confusion between “exhaust” and “dust collection” systems and provide consistency with the terms used in NFPA 664.

Subsection (a)

New proposed subsection (a) would provide the purpose and scope of the standard and adds a note to inform the reader that additional requirements for all mechanical ventilation systems are contained in Section 5143. Additionally, the proposal would replace the term “exhaust” with “dust collection” and the term “sawdust” with “wood dust.” These revisions improve clarity and provide consistency with NFPA 664.

Subsection (b)

The requirements of existing subsection (b) are proposed to be moved to new subsection (e). The proposal would add definitions for “dust collection system,” “dust collector,” and “enclosureless bag-type dust collector” in revised subsection (b). These terms and definitions are nearly the same as those used in NFPA 664 except that editorial changes have been made to improve clarity. The definition of

“enclosureless bag-type dust collector” specifies five conditions for a dust collector to be considered an “enclosureless bag-type dust collector.” The definitions clearly identify the components of dust collection systems and types of dust collectors allowed.

Subsection (c)

The requirements of existing subsection (c) are proposed to be moved to new subsection (f). The proposal would add language to revised subsection (c) to specify the acceptable locations for dust collectors. The provisions of subsection (c) are consistent with NFPA 664 and Section 5174(i) which pertains to dust collectors for combustible dusts that present an explosion hazard. The criteria for locating EDC’s inside of buildings [(4)(A)-(G)] are substantially the same as those specified in NFPA 664. However, an exception is provided which allows dust collectors with a maximum air-handling capacity of 1500 cubic feet per minute (cfm) to be located within 20 feet of another dust collector, employee work station, or emergency egress route. The effect of these revisions is to allow the use of EDC’s inside of buildings under specific conditions which provide employees protection from potential fires or explosions.

Subsection (d)

New proposed subsection (d) would require that ducts and flexible hoses on dust collection systems be constructed of metal or other conductive material. The effect of this provision is to prevent the accumulation of static charges which can ignite combustible dust in the dust collection system.

Subsection (e)

The proposal moves existing subsection (b) to new subsection (e) and adds language to clearly identify that the subsection addresses guards and collection hoods. The reference to Section 3943 is revised to reference Section 3942, which requires guards shall be constructed of substantial material as listed in Table G-1. That table lists construction materials for guards and specifies the minimum thickness for each type of material. Section 3943 contains no specifications related to the thickness of materials used to construct guards. The effect of this revision is to reference the correct Section of the GISO, which specifies the minimum thickness of materials used to construct guards.

Subsection (f)

The proposal moves existing subsection (c) to new subsection (f) and adds language to clearly identify that the subsection addresses the removal of other refuse.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. The proposal would clarify that EDC’s are allowed to be used under specific conditions, which are nearly identical to the National Fire Prevention Association Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, NFPA 664 – 2002 Edition. Employers are currently using EDC’s in compliance with NFPA 664 – 2002 Edition. Existing Section 5174 requires dust collectors for combustible dusts that present an explosion hazard shall be located outdoors or in detached rooms of fire-resistant construction and provided with adequate explosion vents, except that liquid-spray type collectors may be located within buildings. The proposal would clarify that employers are allowed to

use EDC's within buildings for collecting wood dust and chips, provided that specific conditions are satisfied, which prevent the dust collector from presenting an explosion hazard.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the statement above under the heading "Specific Technology or Equipment."

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Also, see the statement above under the heading "Specific Technology or Equipment."

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these proposed amendments do not constitute a "new program or higher

level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the statement above under the heading “Specific Technology or Equipment.”

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that

written comments be submitted so that they are received no later than December 8, 2006. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 14, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JOHN D. MACLEOD, Chairman

NOTICE OF ADOPTION OF
REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Chapter 4, Subchapter, Construction Safety Orders, Article 4, New Section 1532.2; Subchapter 7, Articles 107 and 110, Section 5155 and New Section 5206; Subchapter 18, Ship Building, Ship Repairing, and Ship Breaking Safety Orders, Article 4, New Section 8359, **Hexavalent Chromium.**

Heard at the July 20, 2006, Public Hearing; adopted on August 17, 2006; filed with the Secretary of State on September 19, 2006; and became effective on September 19, 2006.

2. Title 8, Chapter 4, Subchapter 4, General Industry Safety Orders, Article 93, Section 4920, **Boom-Type Mobile Cranes.**

Heard at the June 15, 2006, Public Hearing; adopted on August 17, 2006; filed with the Secretary of State on September 25, 2006; and will become effective on October 25, 2006.

A copy of these standards are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: **<http://www.dir.ca.gov/oshsb>** and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: **oshsb@dir.ca.gov**.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Keith Umemoto, Executive Officer